

Remarks

Claims 7-9 and 13-49 are pending and under examination in the instant application. Claims 13-27, 29-32 and 40-47 are withdrawn from further consideration pursuant to the provisions of 37 CFR §1.142(b), as being drawn to nonelected inventions.

Claims 40 and 45-49 are rejected.

Applicants acknowledge that Section 9 of the Office Action indicates that Claims 7-9, 28 and 33-39 are found allowable. This Amendment does not involve any issue of new matter. Therefore, entry of this Amendment is respectfully requested.

Applicants request the cancellation of claims 48 and 49.

Claim Amendments

In the response filed on August 1, 2008, claims 40-47 were amended to recite the term "recombinant antibody" instead of the original term a "monoclonal antibody." As a consequence of the recitation of the term "recombinant antibody" instead of "monoclonal antibody," the Examiner determined that the amended subject matter was drawn to a nonelected invention.

Therefore the examiner withdrew Claims 40-47 from consideration for being directed to nonelected inventions, based on the finding that the claims, as amended, are drawn to subject matter that was not encompassed by the originally claimed and substantively examined invention.

Applicants acquiesce to the withdrawal of Claims 40-47 from consideration in the instant application and expressly reserve the right to pursue the withdrawn/restricted subject matter in the context of a continuing application.

Rejection of Claims 48-49 Under 35 U.S.C. §112, first paragraph

The Office Action indicates that Claims 48-49 remain rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. The Examiner stated that the claims contain subject matter which was not described in the specification in such a way as to enable one of skill in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner maintains his position that the specification allegedly does not reasonably provide enablement for anti-VEGF antibodies that do not consist of all six CDRs. More specifically, the Examiner states

that the specification does not reasonably provide enablement for using products commensurate in scope with the VH domains or VL domains recited in claims 48 and 49.

In the interest of advancing the allowance of the claims found to recite allowable subject matter, Applicants have requested the cancellation of claims 48-49. The cancellation of claims 48 and 49 renders the enablement rejection moot.

Summary

For the reasons set forth hereinabove, Applicants respectfully request that in light of the cancellation of claims 48 and 49, the Examiner reconsider and withdraw the outstanding enablement rejection of the cancelled claims and earnestly solicit a Notice of Allowance for the subject matter of claims 7-9, 28 and 33-39.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone her at the number provided below.

Respectfully submitted,

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